

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Aberdeen Municipal Court to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; RCW 2.42 and 2.43; and HB 2176. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who come in contact with Aberdeen Municipal Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. Needs Assessment

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

1. Spanish
2. Chinese
3. Tagalog
4. Other Pacific Asian

B. Aberdeen Municipal Court

Aberdeen Municipal Court will make every effort to provide service to all LEP, deaf and hearing-impaired persons. However, the following list shows the non-English languages that are most frequently used in the area.

- Spanish
- Chinese/Mandarin
- Hearing impaired
- Russian

This information is based on data from the 2000 U.S. census for the City of Aberdeen and Grays Harbor. In compiling this information on local language needs, the following individuals and groups were consulted: court clerks, interpreter billing records, local attorneys, domestic violence centers, treatment facilities and local police departments.

Aberdeen Municipal Court has identified the following additional language assistance needs among court users in the area.

- Trique
- Filipino
- Other Pacific Asian

This information is based on input from 2000 U.S. census, Aberdeen Municipal Court and other courts in Grays Harbor County. In compiling this information on local language needs, the following individuals and groups were consulted: court staff, community resources such as treatment facilities, domestic violence, victim support groups and local law enforcement agencies.

An LEP stakeholders meeting was held October 15th 2008. Information regarding the need for interpreter services, current language assistance practice and availability of resources were addressed. The Northwest Justice Project, Grays Harbor Domestic Violence Advocacy Group, ODHHS, Juvenile Detention, municipal and county clerks and Judge Steven Hyde participated. The most frequently used languages identified by the Aberdeen Municipal Court were consistent with those most used by these participants.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively. It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non-English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1)(b). If the current list of certified and registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non-English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

The Aberdeen Municipal Court employs full time (Spanish-English)bilingual court staff qualified to assist defendants. Court employees who have been found qualified demonstrate at a minimum:

- evidence of training that includes skills and ethics of interpreting;
- proficiency in English and the other language, as documented in an objective language proficiency test, or education;
- ability to convey information in both languages, accurately and completely, as demonstrated by a simulated interpreting encounter, or interpreting experience;
- fundamental knowledge in both languages of any specialized terms or concepts related to the court; and
- sensitivity to the LEP person's culture.

Certified interpreters are provided for all trials. Hearings for LEP defendants are set at a specific time to allow language impaired defendant's access to interpreters.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Aberdeen Municipal Court will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The Aberdeen Municipal Court displays a sign translated into Washington State's six most frequently used languages that states: "You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." The Aberdeen Municipal court displays this sign at the information window and in the court room.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. Local law enforcement agencies, defense counsel and prosecutors may notify or request a court interpreter by contacting the Court Administrator before scheduling a court hearing.

It is sufficient for any party to the matter to request an interpreter for the court to then secure an interpreter. If the court provides an interpreter and the defendant wishes not to use the interpreter a Waiver of Right to Interpreter Services must be signed by the defendant. This waiver may be set aside by the court at its discretion, at any time during the proceedings.

2. Court Interpreter Qualifications

The Aberdeen Municipal Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The Washington State Court Interpreter Program maintains a statewide roster of Certified and registered interpreters who may work in the courts. This roster is available to court staff and the

public at http://www.courts.wa.gov/programs_orgs/pos_interpret/. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation. Washington State currently certifies the following languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish and Vietnamese. Washington also offers testing in the Registered Category in the following languages: Afrikaans, Albanian, Amharic, Baluchi, Bengali, Bulgarian, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, Filipino, French, German, Haitian Creole, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian, Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Samoan, Serbian, Slovak, Swahili, Swedish, Tausug, Thai, Turkish, Urdu and Visayan.

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Aberdeen Municipal Court may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3. Bilingual staff that are not on the statewide roster are never used to interpret in trials. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside the Courtroom

The Aberdeen Municipal Court is also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY/TDD, counter or other means...

- Interviews for public defender eligibility.
- Letters and requests made in writing.
- Requests for general court information and court records.

To that end, the Aberdeen Municipal Court has the following resources to help LEP, deaf or hearing-impaired individuals and court staff communicates with each other:

- The Aberdeen Municipal Court has bilingual Spanish-English employees who are qualified to assist Spanish speaking defendants. When LEP customers seek assistance outside of the courtroom, staff language skills are used first in trying to meet their needs.
- When court staff does not know what the language a customer is speaking, "I speak" cards are used.
- Free online translating services may be used in case of immediate communication needs where a court employee is not sufficient.
- The Aberdeen Municipal Court is equipped with an infrared sound system which allows hearing impaired defendants, jurors and others to have amplified sound during court proceedings and at the information window.

Aberdeen Municipal Court staff does not encourage defendants to provide their own interpreter whether in face-to-face encounters or via telephone. Children are not allowed to interpret for

defendants at any time while seeking general information, making payments or in any other situation.

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the court's services. The Aberdeen Municipal Court has the following forms translated into commonly used languages:

- Defendant rights.
- Order to show cause.
- Waiver of right to speedy trial and jury trial.
- Defendant statement on plea of guilty.
- Defendant promise to appear form, showing next scheduled court hearing.
- Contact information for public defenders.
- Instructions on how to clear warrants.

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

D. Providing Emergency Information to LEP Court Customers

The Aberdeen Municipal Court is responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to emergency information should an emergency situation arise. The court provides LEP people with such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Emergency exits are clearly marked in English and Spanish.
- Evacuation maps are located in visible points with an indication in Spanish that those are the evacuation maps.
- Bilingual staff is informed and trained to provide emergency information.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Aberdeen Municipal Court include:

- Staff is instructed about LAP policies and procedures, as described in this LEP on an annual basis.
- Front line staff is required to annually review "Breaking down the Language Barrier," a video training tool provided by the Department of Justice.
- Training from AOC at state and/or regional level for judicial officers and court staff to support implementation of local LEP plans.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

Aberdeen Municipal court's LEP Plan has been approved by the Court Administrator and presiding Judge. A copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Aberdeen Municipal court's LAP plan will be provided upon request. In addition, Aberdeen Municipal Court will post this plan on its website.

B. Annual Evaluation of the LEP Plan

The Aberdeen Municipal Court will conduct an annual needs assessment to determine whether changes to the LEP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site.

The statewide AOC Court Interpreter Program Coordinator will periodically coordinate with designated local court staff to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Person

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The effective date of this LEP plan is November 30, 2008